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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/520,123      | 03/07/2000  | DIETMAR DETERING     | 21164               | 9814             |

535 7590 03/25/2003

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EXAMINER

BUI, THACH H

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3628

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The amendment filed December 27, 2002 has been received and entered.
2. Newly submitted claims 27-32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claims recite a method of selling personal, non-transferable use rights of unlimited availability, comprising the steps of: electronically offering the personal nontransferable use rights which are executable either at use prices that aim at reflecting the marginal costs of executing the use rights or under conditions of a competitive supply environment; and a sample to vote on the offered use rights by mean of accepting or rejecting the offer.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27-32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on December 27, 2002 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims do not explicitly disclose the mean for collecting price calls or collective options to use goods and the use prices from as many suppliers of goods of the family of goods as possible, a mean to purchase all the options whose prices are low as or lower than the group's supposed marginal willingness to pay for the options, and a mean to afford personal use of all goods, for which the options have been purchased, to any member of the group at the use prices.

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Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.  
March 24, 2003

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600